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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth W. COWANS)
Application No. : 10/777,320)
Filed: : February 12, 2004)
For : THERMAL CONTROL SYSTEMS)
FOR PROCESS TOOLS REQUIRING)
OPERATION OVER WIDE)
TEMPERATURE RANGES)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated April 8, 2005, applicant provisionally elects the invention characterized by the Examiner as Invention I, the claims readable on which are claims 1-10 inclusive.

Applicant respectfully requests reconsideration of the Requirement for Restriction as to Invention II, the claims readable on which are claims 11-15 inclusive. The concept elucidated in method claims 1-10 is substantially related to the combination set forth in apparatus claims 11-15, as can be verified by a comparison of the steps in the method to the elements in the apparatus. Both recite two stages of operation, with each providing either a different refrigeration energy rate (e.g. claim 1) or a different "refrigerant effect" (e.g. parent claim 11), and each specifying the combined use of the rate or effect in a cumulative manner (claim 1) or to arrive at a modified level (claim 11). In the absence of cited art which establishes a significant difference between these verbalizations, it is submitted that it cannot be assumed that this unifying concept would be found exclusively in either of the two classification subgroups referenced. Looking at the subject matter of the claims, therefore, it is respectfully submitted that

the common features of the claims would both inherently be found within the confines of the same search, or not at all. Accordingly, reconsideration of the Requirement for Restriction as to nonprovisionally elected Invention II is respectfully requested.

Applicant expressly reserves the right to file one or more divisional applications directed to the invention or inventions not prosecuted in the subject application.

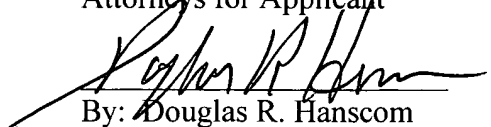
Reconsideration of the restriction, at least between Inventions I and II, for the reasons set forth above, and an early and favorable Office Action on the merits, is respectfully requested.

Respectfully submitted,

Kenneth W. COWANS
Applicant

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